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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA

IN RE:

LINDY BRANDEN CULP and
ROBIN SARA LACK,

Debtors.

NO: 11-30124-D-7

DC No.: SLF 3

MOTION FOR AUTHORIZATION TO
SELL THE ESTATE'S INTEREST IN
PROPERTY

Date: August 17, 2011

Time: 10:00 a.m.

Place: Department D

Honorable Robert S. Bardwil

Chapter 7 Trustee Alan S. Fukushima respectfully moves for authorization to sell
the estate's interest in certain property as set out below.

Under the proposed sale, Debtors Lindy Branden Culp and Robin Sara Lack will
buy all of the estate's interest in the property for \$12,628.00.

The Trustee believes the sale is in the best interests of the creditors and this Court
should approve it pursuant to Bankruptcy Code Section 363(b).

The Trustee represents the following:

1. On April 24, 2011, the Debtors filed this case. Mr. Fukushima was
appointed Chapter 7 Trustee.

MOTION FOR AUTHORIZATION TO
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INTEREST IN PROPERTY

1 2. The Debtors scheduled an interest in property of the bankruptcy estate (the
2 "Property") as follows:

3 a. The Debtors scheduled real property located at 2425 Briarton Drive,
4 Lincoln, California 95648 (the "Real Property"). They valued the Real Property at \$225,000 and
5 listed the secured debt on it at \$191,272.44. The Debtors claimed an exemption in the Real
6 Property of \$11,300 under California Code of Civil Procedure Section 703.140(b)(5). On June
7 10, 2011, the Debtors amended their Schedules to value this Real Property at \$207,000, list
8 secured debt on it of \$191,000, and claim an exemption in it of \$11,300 under Section
9 703.140(b)(5).

10 b. The Debtors scheduled firearms including Remington 597 .22 Rifle,
11 Glock 19 9 MM Handgun, Savage .17HMR Rifle with scope, Keltec .223 caliber rifle, Smith &
12 Wesson .22 Handgun. They valued the firearms at \$2500 and claimed an exemption in them of
13 \$1450 under Section 703.140(b)(6), and \$1050 under Section 703.140(b)(5). On their June 10,
14 2011 amended schedules, the Debtors listed the following firearms (the "Firearms"), which they
15 value at \$1775 and claim an exemption in them of \$1,371.54 under Section 703.140(b)(5):

- 16 i. KelTec .223 Rifle.
- 17 ii. Ruger LCP handgun.
- 18 iii. Glock 19 handgun.
- 19 iv. Glock 36 handgun.
- 20 v. Remington model 597 rifle .22 caliber.
- 21 vi. S&W .38 revolver.
- 22 vii. S&W .22 revolver.

23 c. 1962 Cessna 182E-N9243X airplane (the "Cessna"), in which the
24 Debtors own a one-half interest. The Debtors valued their interest in the airplane at \$8,250 and
25 claimed an exemption in it of \$7425 under Section 703.140(b)(5). On their June 10, 2011
26 amended schedules, the Debtors value their interest in the airplane at \$10,000 and claim an
exemption in it of \$7,425 under Section 703.140(b)(5).

1 3. The Trustee wishes to liquidate the Property and obtain the maximum value
2 for the estate. The Trustee entered into negotiations with the Debtors, through their attorney.
3 (Fukushima Decl. ¶ 4).

4 4. As a result of the negotiations, the Trustee and the Debtors reached an
5 agreement under which the Debtors will buy the estate's interest in the Property for \$12,628 (the
6 "Purchase Amount"). Debtors have paid the Purchase Amount which will be nonexempt property
7 of the estate, and the parties have entered into a proposed sales agreement documenting this
8 (collectively, the "Sale"). (Fukushima Decl. ¶ 5, Ex. A).

9 5. The Sale is conditional on Bankruptcy Court approval of this motion and the
10 Trustee is amenable to overbidding at the hearing on terms that are agreeable to this Court.
11 (Fukushima Decl. ¶ 6).

12 6. Bankruptcy Code Section 363(b) provides that a trustee, after notice and a
13 hearing, may sell property of the bankruptcy estate other than in the ordinary course of
14 business.

15 7. The Trustee believes the Sale is in the best interests of creditors since the
16 estate otherwise would incur additional fees and costs to apply for court authorization to employ
17 an auctioneer and sell the Firearms and the Cessna at public auction, and to employ a real
18 estate broker to sell the Real Property. (Fukushima Decl. ¶ 7).

19 WHEREFORE, the Trustee respectfully requests that the Court grant this motion
20 and that it grant such further and other relief as may be just and proper.

21 Dated: July 3, 2011

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23 By: /s/ Dana A. Suntag
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Attorneys for Chapter 7 Trustee
ALAN S. FUKUSHIMA